

## **REMARKS/ARGUMENTS**

Claims 1-18 are pending in this application.

Claim 1 is rejected.

Claims 1-18 are objected to.

Claims 2-18 have been allowed.

Claims 1 and 5 have been amended.

Claims 30-32 have been added.

Claims 19-29 have been cancelled without prejudice.

### **Claim Objections**

Claims 1-18 have been objected to under 37 CFR 1.75(c) because of the following informalities:

- (1) In claims 1, 5, "said attachment assembly" lacks antecedent basis.
- (2) Claim 1 discloses "an approach light" and "an approach light assembly".

Claims 2-4 have been objected to because they are dependent on objected claim 1, and claims 6-18 have been objected to because they depend on objected claim 5.

Applicant kindly thanks Examiner for pointing out the deficiencies in claims 1 and 5. Applicant has amended the claims to correct these defects and respectfully requests removal of the objections and allowance of the claims thereof.

### **Rejection of Claim 1 Under 35 U.S.C. § 103(a)**

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pastrick (U.S. Patent No. 5,497,306). More specifically, the Office Action stated that in "Figs. 1, 22 of the Pastrick reference discloses a vehicle mirror having;

a mirror housing (26') containing a reflective element (28);

an attachment portion (Fig. 1 labels 36 and 38) attached to a vehicle for securing the mirror to the vehicle;

a lights (30, 32) including a positionable light source (abstract, lines 2-3)."

The Office Action also states that "Fig. 22 shows a light assembly attached to the housing of the mirror that has special cavity for this attachment." The Office Action further states that "it would have been obvious to one having ordinary skill in the art, at the time the invention was made, that the light assembly may be attached to any part of the mirror device including attachment portion that is also a part of the mirror device."

In order for a claim of obviousness to be maintained, the proposed modification of the prior art must not change the principle of operation of the prior art invention being modified. *In re Ratti*, 123 U.S.P.Q. 349 (CCPA 1959); MPEP 2143.01. Applicant contends that the proposed modification (i.e., "the light assembly may be attached to any part of the mirror device including attachment portion...") would change the principle mode of operation. Figures 10-15 of Pastrick depict the various lighting zones illuminated by either the security light embodiment (shown in Figs. 10-12) or the signal light embodiment (shown in Figs. 13-15). With regard to the security light embodiment (Figs. 10-12) the Pastrick reference states:

[p]attern 66 extends rearward from mirror assembly 26. Vertically, pattern 66 contacts the ground at 68 in the vicinity of entry and exit by vehicle occupants (Figs. 10 and 12). Laterally, pattern 66 fans out into contact with the side 70a, 70b of the vehicle. This contact washes the sides of the vehicle to reflect the light in order to further illuminate the area in order to establish the security zone (Figs. 11 and 12). Col. 5-6, lines 66-6.

The proposed modification suggested in the Office Action would require the light to be positioned closer the point of attachment to the vehicle body. This would clearly

interfere with the operation of the Pastrick reference since the security light feature, as stated above, utilizes refraction of the light beam off of the side of the vehicle (i.e., washing off the side of the vehicle) in order to achieve a desired security zone. The security zone as shown in Figures 10-12 would be severely limited if the security light were positioned closer to the body of the vehicle since the zone of illumination would be affected by the light not being able to "wash" off the side of the vehicle. Therefore, the Pastrick reference would fail to achieve its intended purpose of providing the vehicle user with the desired security zone shown in the figures.

The Pastrick reference further states:

In a preferred embodiment, pattern 66 extends rearwardly from mirror assembly 26 without projecting any portion of the pattern forwardly of the mirror assembly.

Signal light 32 generates a light pattern 72, which is directed generally horizontally rearwardly of vehicle 40 (Figs. 13-15). Pattern 72 is laterally directed substantially away from sides 70a, 70b of vehicle 40 so that the driver of vehicle 40 does not directly intercept pattern 72...

Figure 21 of the present application clearly shows the light pattern of both the signal light as well as the security light embodiments as projecting forward of the mirror housing 410. Applicant contends that if the light member in the Pastrick reference is positioned closer to the vehicle body near the point of attachment, the light member would be at an angle and would project a pattern of light that is forward of the mirror housing. This is clearly not the intended operation as called for by the Pastrick reference. As stated above, the Pastrick reference operates in a manner that the "...pattern 66 extends rearwardly from mirror assembly 26 **without projecting any portion of the pattern forwardly of the mirror assembly.**" Once again the Pastrick reference fails to qualify as an obvious variation of the present application since the proposed modification as put forward in the Office Action would render the Pastrick

invention unsatisfactory for its intended purpose. Therefore, Applicant respectfully requests removal of the rejection of claim 1, and allowance of the same.

The Office Action also stated that the Pastrick reference discloses a "positionable light source (abstract lines 2, 3)." The first sentence of the abstract of the Pastrick patent states "a mirror assembly security system for a vehicle includes an exterior mirror assembly and a light module removably positioned within the exterior mirror housing." Claim 1 of the present application in pertinent part reads "an approach light in said attachment assembly, said approach light assembly including a positionable light source **for positioning in relation to predetermined inputs.**" Applicant contends that the Pastrick reference fails to teach or suggest a positionable light source for positioning "in relation to predetermined inputs." The abstract of the Pastrick reference mentions nothing about positioning the light in response to predetermined inputs. Additionally, the detailed description of the invention section in the Pastrick reference in pertinent part states:

light module 104 may be disassembled from exterior mirror assembly 26' by reaching behind reflective element 28 with a pair of needle-nose pliers, or the like, and sequentially compressing each of the pairs of prongs 112 in order to release the prongs from sockets 114. Thus, prongs 112 and sockets 114 provide a fastener-less system which retains the light module in the exterior mirror assembly without the use of separate fasteners. A pair of shoulders 118, which define a slot 120 there between engage a protrusion from an interior surface (not shown) of housing 34' in order to assist in **stably positioning** light module 104 within housing 34'. See col. 8, lines 42-50 [emphasis added].

The language above describes physically attaching the light module to the housing. Applicant contends that this means that the light module is not positionable in relation to predetermined inputs. To the contrary, the Pastrick reference discloses a light module that is fixed to the mirror housing and cannot move in any way. Furthermore, the

Pastrick reference does not disclose or suggest a light source that is positionable in response to predetermined inputs. Additionally, it would not be obvious to make such a modification since it would clearly change the principle operation of the reference. Since the Pastrick reference fails to teach or suggest "a positionable light source for positioning in relation to predetermined inputs" the Applicant respectfully requests that the Examiner remove the 103 rejection of claim 1 and allow the claim to pass to issue.

### **Allowable Subject Matter**

The Examiner has kindly allowed claims 2-18. Claims 30-32 have been added to the application and are inclusive of the allowable subject matter of claims 2-4. Additionally, claim 5 has been amended to correct the Examiner's claim objections, therefore claims 5-18 are also now in allowable format.

### **CONCLUSION**

It is respectfully submitted that the claims, as amended, are patentably distinguishable because the cited patent taken alone, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

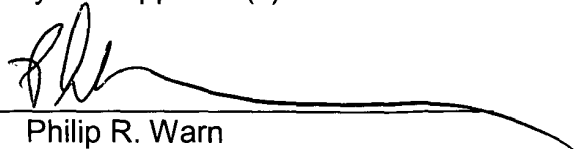
The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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